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December 28, 2004

By Fax to # 617-748-3960

Seth P. Berman
Assistant U.S. Attorney
U.S. Attorney's Office
J. Joseph Moakley United States Courthouse
1 Courthouse Way, 9th Floor
Boston, MA 02210

Re: United States v. George L. Berrios,
Criminal No. 04-10341-GAO

Dear Seth,

I received your automatic discovery letter dated December 27, with no enclosures.

With regard to Mr. Berrios' criminal record (item A.2 in your letter), please provide me with a copy pursuant to Fed. R. Crim. P. 16(a)(1)(D).

With respect to the books, papers and documents in the possession, custody or control of the government, and which are material to the preparation of the defendant's defense, are intended for use by the government as evidence in chief at the trial of this case, or were obtained from or belong to the defendant, please copy all of them (item A.3 in your letter) and have the copies sent to me. If there are any non-documentary "tangible items" (i.e. things that cannot be photocopied) that are responsive to Fed. R. Crim. P. 16(a)(1)(E), please let me know and I will make arrangements to see them. (Your citation to Rule 16(a)(1)(C) with respect to this category seems to be a reference to Rule 16 before it was amended in late 2002.)

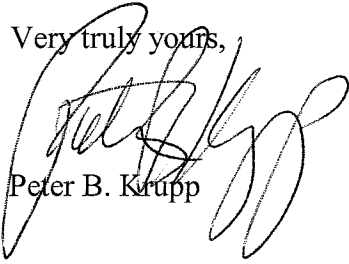
Finally, pursuant to Local Rule 116.3(A), I am writing to request discovery of all documents that the Boston Police or Massachusetts State Police have with respect to Mr. Berrios' report that the Mitsubishi Montero charged in the Indictment had been stolen. As you know, the government has the obligation not only to produce all documents in its file, but also has a duty to inquire for all documents in the files of law enforcement agencies or personnel with which it is working. I believe that, at or about the time the Montero was towed from the street in Dorchester, Mr. Berrios made report to, among others, Massachusetts State Police Trooper Scott T. Collins, who was then assigned to the Governor's Auto Theft Strike Force.

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Seth P. Berman
Assistant U.S. Attorney
December 28, 2004
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Thank you.

Very truly yours,


Peter B. Krupp

PBK:kag

cc: Rex Brown, Courtroom Clerk
to the Honorable Joyce London Alexander
George L. Berrios